

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

CHARLES HORTON, #21153-055

PETITIONER

V.

CIVIL ACTION NO. 3:19-CV-849-DPJ-FKB

WARDEN CHRISTOPHER RIVERS

RESPONDENT

ORDER

This cause is before the Court on the Report and Recommendation [21] of Magistrate Judge F. Keith Ball, who recommended dismissing the petition with prejudice. Since entry of the R&R, Petitioner Charles Horton filed a motion to withdraw the petition and dismiss it without prejudice [22]. The Court, having considered both the R&R and Petitioner's motion, finds that Petitioner's motion to withdraw and dismiss [22] should be granted.

This petition is dismissed without prejudice. A separate judgment will be entered in accordance with Federal Rule of Civil Procedure 58.

**SO ORDERED AND ADJUDGED** this the 19th day of December, 2022.

s/ Daniel P. Jordan III  
CHIEF UNITED STATES DISTRICT JUDGE